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UNITED STATES DISTRICT COURT  
 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
 WESTERN DIVISION

UNITED STATES OF AMERICA,	)	CV 07-00107 SJO(AJWx)
	)	
Plaintiff,	)	<b>FINAL CONSENT JUDGMENT OF</b>
	)	<b>FORFEITURE</b>
vs.	)	
	)	
\$35,000.00 IN U.S. FUNDS AND	)	<b>[This consent judgment is case-</b>
\$765.85 IN ACCRUED INTEREST,	)	<b>dispositive.]</b>
	)	
Defendants.	)	
	)	
	)	
	)	
	)	

Plaintiff commenced three civil in rem forfeiture actions  
 now pending in the United States District Court for the Central  
 District of California: (1) United States of America v.

1 \$1,573,099.93, Case No. CV 06-1971 SJO (AJWx); (2) United States  
2 of America v. \$35,000 in U.S. Funds, et al., Case No. CV 07-0107  
3 SJO (AJWx) (these two actions are collectively referred to as  
4 the "Monetary Actions"); and (3) United States of America v.  
5 Real Property Located in Diamond Bar, California (Tringham),  
6 Case No. CV 06-0609 SJO (AJWx) ("Diamond Bar Action"). (The  
7 Monetary Actions and the Diamond Bar Action are collectively  
8 referred to as the "In Rem Actions.")

9 This instant action was filed on January 4, 2007.  
10 Plaintiff seeks the forfeiture of the defendants \$35,000.00 in  
11 U.S. funds and \$765.85 in accrued interest (hereinafter  
12 "defendant funds"). Notice was given and published in  
13 accordance with law. Robert Tringham ("Tringham")<sup>1</sup> was formerly  
14 the president and owner of First National Ban Corp. ("FNBC"), a  
15 corporate entity which filed a claim and answer on August 7,  
16 2007 and August 9, 2007, respectively. Docket Number ("DN") 12  
17 and 15. On October 3, 2012, a Consent Judgment of Forfeiture  
18 as to Tringham was entered, resolving the claims of Tringham.  
19 DN 64. On or about January 13, 2012, Robb Evans & Associates  
20 LLC, the receiver, ("Receiver"), of Finbar Securities Corp.  
21 ("Finbar")<sup>2</sup> filed a claim and answer to the complaint because

22 <sup>1</sup> Although not a claimant in this action, Tringham was a party to  
23 action by virtue of any ownership interest he had in First  
24 National Ban Corp.

25 <sup>2</sup> The Receiver was appointed pursuant to a Preliminary Injunction  
26 and Judgment of Permanent Injunction issued on April 13, 2009 in  
27 Securities and Exchange Commission v. Finbar Securities Corp.  
28 and Robert Tringham, et al., CV 09-2325 ODW(VBKx). Pursuant to  
that litigation, the Receiver was appointed as receiver over  
Finbar and its affiliates and subsidiaries. FNBC and FAMC are  
believed to be two such affiliates and/or subsidiaries of  
Finbar.

1 FNBC was believed to be a subsidiary or affiliate of Finbar. DN  
2 50-51. On or about March 8, 2012, an Amended Complaint was  
3 filed pursuant to stipulation. DN 57. No other claims or  
4 answers have been filed, and the time for filing claims and  
5 answers has expired. Plaintiff and Receiver have reached an  
6 agreement that is dispositive of the remaining claims in this  
7 action, and have requested that the Court enter this Consent  
8 Judgment of Forfeiture.

9 The government has alleged that Tringham conducted  
10 fraudulent schemes in the names of FNBC. Tringham also used  
11 entities named First Asset Management Corporation ("FAMC"),  
12 Colony Mortgage Banc ("CMB") and Capital Ban Corp ("CBC").  
13 Victims of Tringham's fraudulent schemes perpetrated in the  
14 names of or through FNBC, FAMC, CMB and CBC are collectively  
15 referred to as the "Non-Finbar Victims." Victims of Tringham's  
16 fraudulent schemes perpetrated in the name of Finbar are  
17 referred to as the "Finbar Victims."

18 Tringham was arrested, convicted and sentenced to prison in  
19 connection with one or more of the fraudulent schemes  
20 perpetuated in the names of or through Finbar, FNBC, FAMC, CMB  
21 and CBC.

22 Plaintiff and the Receiver have engaged in extensive and  
23 lengthy negotiations in an effort to resolve their disputes and  
24 differences. These negotiations have, from time to time,  
25 included the Asset Forfeiture and Money Laundering Section of  
26 the Department of Justice in Washington, D.C ("AFMLS") and the  
27 Securities and Exchange Commission ("SEC"). AFMLS agreed to  
28 undertake a non-binding victim remission and restoration process

1 ("Claims Process") whereby, among other things, AFMLS reviewed  
2 and approved the proposed allowed claims for all Finbar Victims  
3 and Non-Finbar Victims to be paid from the Defendant Assets, as  
4 more particularly set forth herein. The proposed allowed claims  
5 for Finbar Victims were submitted to AFMLS by the Receiver. The  
6 proposed allowed claims for Non-Finbar Victims were submitted to  
7 AFMLS by such victims. AFMLS has made proposed allowed claims  
8 determinations in connection with the distribution of the  
9 Defendant Assets, based on the claims that were submitted and  
10 other relevant information. Plaintiff and the Receiver agree  
11 with the proposed allowed claims as determined by AFMLS in its  
12 Claims Process and seek to have the AFMLS claims determinations  
13 made final and binding.

14 **WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:**

15 1. Forfeiture of Defendant Assets

16 All of the Defendant Assets in the In Rem Actions  
17 shall be forfeited, less a sum not exceeding \$125,000 which will  
18 be withheld from the defendant assets in Case No. CV 06-1971-SJO  
19 to pay the fees and expenses of the Receiver and its counsel as  
20 may be allowed by the Court in the SEC Action and to the extent  
21 that the receivership estate has insufficient assets to pay such  
22 fees and expenses otherwise ("Withheld Assets"). (The Defendant  
23 Assets less the Withheld Assets are referred to as the  
24 "Forfeited Assets." The Forfeited Assets, less a minor amount  
25 of costs attributable to the Claims Process, and the costs to be  
26 incurred and liens to be paid in connection with the sale of the  
27 Diamond Bar Property, are referred to as the "Net Forfeited  
28 Assets.")

2. Finbar Victims Allowed Claims

The claims of Finbar Victims shall be allowed in the aggregate amount of \$8,787,656.25 as follows:

Name	Allowed Claim Amount
(a) Juergen Votteler	\$2,273,810.47
(b) Werner Weber	\$1,287,880.00
(c) Mattias Baumeler	\$1,000,100.00
(d) Peter Wuergatsch	\$1,100,070.00
(e) Jeri Tulipan	\$762,788.05
(f) Manfred Trocha	\$1,963,355.25
(g) Meera Anstalt	\$399,652.48

The claims of Finbar Victims as set forth above shall be referred to as "Finbar Victims Allowed Claims."

3. Non-Finbar Victims Allowed Claims

The claims of Non-Finbar Victims shall be allowed in the aggregate amount of \$6,351,137. To protect the privacy rights of the Non-Finbar Victims, the names of the Non-Finbar Victims and itemized amount of each Non-Finbar Victim's claim are not included in this Consent Judgment. However, the government has presented to the Receiver the name of each Non-Finbar Victim and the amount of each Non-Finbar Victim's claim by written transmittal made to the Receiver on or about April 1, 2013. The Receiver has agreed to those claims and the aggregate amount of the claims is as set forth in this paragraph. The claims of Non-Finbar Victims as set forth in this paragraph shall be referred to as "Non-Finbar Victims Allowed Claims."

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1           4.     Calculation of Distribution Percentages

2           The Finbar Victims Allowed Claims and the Non-Finbar  
3 Victims Allowed Claims are collectively referred to herein as  
4 the "Allowed Claims." The Allowed Claims shall be used for the  
5 purpose of calculating distributions to Finbar Victims and Non-  
6 Finbar Victims from the Net Forfeited Assets, as described in  
7 this paragraph. Net Forfeited Assets shall be distributed by  
8 the government to the Finbar Victims and the Non-Finbar Victims  
9 on a pro rata basis, with each victim's share of the Net  
10 Forfeited Assets to be determined by taking such victim's  
11 Allowed Claim and dividing it by \$15,138,793.36, the aggregate  
12 total of all Allowed Claims. The pro rata share of the Net  
13 Forfeited Assets for each Finbar Victim (the "Finbar Victims  
14 Distribution Percentages") is as follows:

15	Name	Distribution Percentage
16	(a) Juergen Votteler	.15020
17	(b) Werner Weber -	.08507
18	(c) Matthias Baumeler -	.06606
19	(d) Peter Wuergatsch -	.07267
20	(e) Jeri Tulipan -	.05039
21	(f) Manfred Trocha -	.12969
22	(g) Meera Anstalt -	.02640

23           Plaintiff and the Receiver understand and agree that the  
24 percentages herein, rounded five places, may not reflect the  
25 exact percentage on their distribution ultimately made by the  
26 government from the Net Forfeited Assets to the Finbar Victims  
27 on their Allowed Claims, but that a change from the eventual  
28

1 distribution to the Finbar Victims, if any, shall be de minimis  
2 and only as the result of minor rounding variances.

3 5. No other person or entity shall participate in the  
4 distribution of Net Forfeited Assets other than the holders of  
5 Finbar Victims Allowed Claims and Non-Finbar Victims Allowed  
6 Claims, or their legal successors or assigns. The Allowed  
7 Claims may not be amended or revised in any manner.


8 6. As soon as practicable after entry of all of the In  
9 Rem Judgments, the government shall cause to be marketed and  
10 sold the Diamond Bar Property consistent with the government's  
11 procedures for the marketing and sale of forfeited real  
12 property.

13 7. As soon as practicable, the Receiver shall bring a  
14 motion before the Court in the SEC Action seeking approval of  
15 all unpaid fees and expenses incurred by the Receiver and its  
16 counsel ("Fee Motion"). After the Court enters an order on the  
17 Fee Motion, the Receiver shall provide a written accounting to  
18 the government demonstrating the extent to which Withheld Assets  
19 must be disbursed to the Receiver to pay any allowed and unpaid  
20 fees and expenses. Any dispute concerning the extent to which  
21 the Withheld Assets must be disbursed to the Receiver shall be  
22 resolved on motion before the Court in the SEC Action. The  
23 government shall promptly disburse to the Receiver the amount of  
24 Withheld Assets needed to pay all allowed and unpaid fees and  
25 expenses after receipt of the written accounting from the  
26 Receiver or, if necessary, after the Court in the SEC Action  
27 resolves any dispute concerning the extent to which the Withheld  
28 Assets shall be disbursed to the Receiver.

1           8. As soon as practicable after the later of the sale of  
2 the Diamond Bar Property pursuant to paragraph 6, above, and  
3 disbursement of Withheld Assets to the Receiver pursuant to  
4 paragraph 7, above, the government shall cause the distribution  
5 of the Net Forfeited Assets, including unused Withheld Assets,  
6 if any, to the holders of Allowed Claims, including without  
7 limitation, to all of the holders of Finbar Victims Allowed  
8 Claims in the amount of the Finbar Victims Distribution  
9 Percentages.

10           9. The Court shall retain jurisdiction over this matter to  
11 enforce the provisions of this Consent Judgment.

12  
13  
14 Dated: September 24, 2013



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THE HONORABLE S. JAMES OTERO  
UNITED STATES DISTRICT JUDGE

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22 [Signatures of counsel appear on following page]  
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Approved as to form and content:

DATED: September 20, 2013

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DATED: September 20, 2013

MCKENNA LONG & ALDRIDGE LLP

/s/ Gary Owen Caris  
GARY OWEN CARIS  
LESLEY ANNE HAWES  
  
ATTORNEY FOR RECEIVER  
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